

REMARKS

Claims 1-17 remain pending in this patent application.

In this paper, Applicant is amending claims 1, 5, 6 and 7. No new matter is introduced by these amendments.

OBJECTIONS TO CLAIMS

The Examiner objected to claims 1, 5, 6 and 7. As to claim 1, the Examiner specifically objected to the expression "address of the golfer." Applicant respectfully requests that this objection be reconsidered and withdrawn. "Address of the golfer" is a clear expression that is well recognized and commonly used to signify a position of a golfer prior to beginning a swing of a golf club at a golf ball. See, for example, "address." *Webster's Third New International Dictionary, Unabridged*. Merriam-Webster, 2002. <http://unabridged.merriam-webster.com>: "the stance of the player and the position of the club preparatory to hitting a golf ball." As to the Examiner's other objections to claim 1: Applicant cannot find the passage quoted by the Examiner, "said infrared image signal ...;" and Applicant has amended the fifth paragraph of claim 1 to recite "storing reference color information and coordinate data for positional information of each mark manually or automatically in advance." Applicant has amended claims 5, 6 and 7 to eliminate the alternative expression "or one another."

In view of the foregoing observations and the amendments to the claims made herein, Applicant submits that the Examiner's objections to the claims have been obviated. Accordingly, Applicant requests that the objections to the claims be withdrawn.

DOUBLE PATENTING REJECTION

Claim 1 was provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending Application No. 10/956,227.

Without acquiescing in the rejection, Applicant is submitting, as an attachment to this paper, a Terminal Disclaimer, filed in compliance with 37 CFR § 1.321(c), that applies to a patent issuing from co-pending Application No. 10/956,227.

With the filing of the Terminal Disclaimer, the basis for the double patenting rejection has been removed. Applicant therefore requests that this rejection be withdrawn.

ALLOWABLE SUBJECT MATTER

Applicant notes with appreciation the Examiner's recognition of claims 1-17 as being substantively allowable. In view of the amendments to the claims, the filing of the terminal disclaimer and the observations made herein, Applicant submits that all of the claims are in condition for allowance.

OTHER PRIOR ART

Applicant has considered the other prior art cited by the Examiner. Applicant is not commenting on this prior art, because it was not applied against the claims in this application.

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the objections stated in the outstanding Office Action and recognize all of the pending claims as allowable.


If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be resolved expeditiously.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: August 8, 2007

Respectfully submitted,

By


Andrew D. Meikle

Registration No.: 32,868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachment: Terminal Disclaimer